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Follow-up to the recommendations of the Permanent Forum

Compilation of information received from indigenous peoples' organizations

Note by the Secretariat

Summary

The present note provides a compilation of the responses received from indigenous peoples' organizations to a questionnaire on action taken or planned in relation to the recommendations of the United Nations Permanent Forum on Indigenous Issues, as well as to implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development. The questionnaire and the complete responses are available on the website of the Permanent Forum (www.un.org/development/desa/indigenouspeoples).

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I. Introduction

1. The present note is based on the information received from indigenous peoples' organizations on the implementation of the recommendations of the United Nations Permanent Forum on Indigenous Issues.[1] The Permanent Forum welcomes the participation of indigenous peoples in its sessions and acknowledges and thanks the organizations that have provided reports. It urges indigenous peoples' organizations to continue to provide information on their activities.

2. Indigenous peoples were invited to provide information on the work of their organizations and on their objectives and goals regarding implementation of the recommendations of the Permanent Forum, the United Nations Declaration on the Rights of Indigenous Peoples, the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development.

II. Responses from indigenous peoples' organizations

A. Recommendations of the Permanent Forum

3. The Office of Hawaiian Affairs, based in Honolulu, Hawaii, the United States of America, a semi-autonomous agency of the State of Hawaii, has indicated that, according to its *Native Hawaiian Data Book*, the total population of native Hawaiians is 527,077. The Office states that the work of the Permanent Forum has supported indigenous peoples. A clear example is provided in the recommendation of the Forum on the situation of indigenous peoples in Mauna Kea, a sacred mountain for native Hawaiians that is targeted for the placement of an international observatory featuring a 30-metre telescope. Such an activity inhibits and is contrary to the rights articulated in articles 11 and 12 of the United Nations Declaration. The Forum recommended that the free, prior and informed consent of native Hawaiians be recognized (see E/2016/43-E/C.19/2016/11, paragraph 31).

4. The Asia Indigenous Peoples Pact, based in Chiang Mai, Thailand, is a regional organization founded in 1988 by indigenous peoples' movements. The Pact is committed to promoting and defending indigenous peoples' rights and assisting them in claiming legal recognition of their identities and collective rights under the Declaration and other international instruments. It comprises 47 member organizations[2] and serves as a forum for sharing aspirations, ideas and experiences. With regard to the empowerment of indigenous women, it engages in empowerment and capacity-building from the grass-roots to the international levels and supports indigenous women's networks and organizations. The Pact has also adopted a gender policy to guide its work on the inclusion of indigenous women's rights and

[1] Questionnaire prepared by the secretariat of the Permanent Forum on Indigenous Issues and sent to more than 300 indigenous peoples' organizations and networks, based on previous participation in Forum sessions. Fifteen responses were received from organizations in Australia, Bolivia (Plurinational State of), Burundi, Guatemala, Kenya, Mexico, New Caledonia, South Africa, Thailand and the United States of America.

[2] The membership comprises organizations from 14 countries in Asia with 14 national formations, 15 subnational formations and 18 local formations. Of that number, 6 are indigenous women's organizations and 4 are indigenous youth organizations.

issues in the work of its member organizations, including effective participation at all levels. In 2016, it implemented a project on indigenous women's water governance and management, undertaking research, analysis and capacity-building in Cambodia, Myanmar and Viet Nam. With regard to indigenous youth, the Pact runs a regional capacity-building programme for youth that implements programmes and projects to facilitate the transfer of traditional knowledge to indigenous youth and enhance their leadership and other capacities.

5. The Aboriginal Rights Coalition is an aboriginal community organization that works locally, nationally and internationally to promote the rights of the Aboriginal and Islander peoples of Australia. The Coalition was established in response to the Northern Territory Emergency Response of the federal Government in 2007. According to data from the Australian Bureau of Statistics, there is an estimated resident Aboriginal and Torres Strait Islander population of 669,900 persons, representing 3 per cent of the total Australian population. The Coalition indicates that there is no legislation in place to protect and implement the right to free, prior and informed consent. With respect to the issue of indigenous women, the Coalition reports on its advocacy efforts to request the Permanent Forum to prepare a study on violence against indigenous women and girls. The organization also made a submission to the International Criminal Court, in 2014, on indigenous women and gender-based violence in conflict situations. In addition, the Coalition has consulted with indigenous youth regarding suicide and other concerns of the lesbian, gay, bisexual and transgender community.

6. American Indian Services, based in the urban area of Detroit, Michigan, the United States, supports native peoples through a variety of services, such as psychotherapy, youth programmes and a food programme. It also advocates at the local, national and international levels for the rights of indigenous peoples. With regard to indigenous youth, the organization has produced the film *Indian School: A Survivor's Story*, which explores the issue of intergenerational trauma and its impact on indigenous communities. The film has been used as an advocacy tool to provide Native American children and youth with healing approaches based on restorative justice.

7. Based in the city of El Alto, adjacent to La Paz, the Plurinational State of Bolivia, the association Qhana Pukara Kurmi deals with issues related to juridical systems, land rights, conflict resolution and climate change. According to the Economic Commission for Latin America and the Caribbean, 62 per cent of Bolivians identify as indigenous.[3] The largest indigenous groups are Quechua (30 per cent) and Aymara (25 per cent). The association states that, even though the Plurinational State of Bolivia has adopted the Declaration as national law,[4] there is still a lack of information and of awareness about the rights of indigenous peoples on the part of both by indigenous peoples and government agencies.

8. The Union des peuples autochtones pour le réveil au développement is an indigenous peoples' organization in Burundi whose aim is to promote the rights of the Batwa peoples in socioeconomic development, public services, health, education

[3] Rodrigo Valenzuela Fernández, "Inequidad, ciudadanía y pueblos indígenas en Bolivia" in *Políticas Sociales* (Economic Commission for Latin America and the Caribbean, Santiago 2004).

[4] Law No. 3760 of 7 November 2007, as amended by Law No. 3897 of 26 June 2008.

and capacity-building. The Union reports that the work of the Permanent Forum has helped it in its advocacy efforts, vis-à-vis the Government of Burundi, to integrate the Batwa into decision-making bodies. These include, among others, the Truth and Reconciliation Commission, the National Committee of the Burundian Women's National Forum, and the National Committee on Lands and Other Property. This is in addition to six indigenous parliamentarians: three senators and three members of the National Assembly. The Union reports that its strategic plan for 2016-2020 focuses on promoting the participation of indigenous women in decision-making processes in Burundi. Regarding youth, it has carried out training activities on the rights of indigenous peoples.

9. Three organizations from New Caledonia[5] have submitted responses to the questionnaire: the Sénat coutumier, established by the 1998 Nouméa Accord, composed of 16 senators appointed by the eight traditional councils (conseils coutumiers); the Federation of Non-governmental Organizations of Kanaky; and the customary popular congress (Congrès populaire coutumier), which focuses on the identification of ancestral lands. As of 2017, their responses highlight, regarding follow-up to the recommendations of the Forum, the integration of indigenous languages into the educational curriculum; the use of aerial photos to identify clan lands and sacred sites to resolve land conflicts; and the role of the traditional institutional structures, for example, grand chiefs, within their territories. Concerns have been raised regarding the 2018 referendum on self-determination and the fact that there may be discrepancies in the registration of Kanaks in the electoral register. With reference to the situation of indigenous women, reference is made to the important role of women in their clans, families and tribes, and events and activities undertaken including those that address violence against indigenous women and involve exchange visits with other countries in the Pacific. Activities have also been undertaken to address the issues of suicide and delinquency among indigenous children and youth.

10. The national observatory of indigenous peoples in Guatemala, a programme of the National Network of Mayan Youth Organizations, has been providing support to indigenous peoples through capacity-building programmes in project formulation and implementation, good governance, transparency and accountability, and the use of traditional indigenous justice as parallel and "plural" legal systems. In addition, the national observatory has been organizing public conferences on the rights of indigenous peoples.

11. The Indian Law Resource Center is a non-profit law and advocacy organization that provides legal assistance to tribes and indigenous communities throughout the Americas in environmental protection, land recovery, cultural preservation and human rights protection. In 2016, the Center's Safe Women, Strong Nations project focused on implementation of the Declaration and the 2014 outcome document of the World Conference on Indigenous Peoples by participating in the sixtieth session of the Commission on the Status of Women, the fifteenth session of the Permanent Forum and the thirty-second and thirty-third sessions of the Human

[5] New Caledonia was on the United Nations list of Non-Self-Governing Territories from 1946 to 1947, following the transmission by France of information under Chapter XI of the Charter of the United Nations, and since 1986, when the General Assembly determined that New Caledonia still constituted a Non-Self-Governing Territory. See General Assembly resolutions 41/41 A and 66 (I).

Rights Council. With regard to the Commission on the Status of Women, the Center partnered with native women's organizations from Canada and the United States, including Alaska, to coordinate a parallel event on the theme "Together we are stronger: indigenous women's movements to end violence against American Indian, Alaska Native and Aboriginal Women", intended to recognize, strengthen and honour the growing global movement to end the human rights crisis of violence against indigenous women and girls. At the Human Rights Council, the Center, with the support of seven indigenous nations and organizations, submitted several written statements and introduced several oral statements addressing the Council's two panels on violence against indigenous women; advocated in relation to the annual resolution on accelerating efforts to end violence against women and girls, including indigenous women and girls, in June, and the annual resolution on the rights of indigenous peoples, in September; and called for the Council to establish an implementing and monitoring body for the Declaration in order to effectively eliminate all forms of violence and discrimination against indigenous women and children around the world, including American Indian and Alaska Native women.

12. Khoe-San Indigenous Women in Action is an organization based in Cape Town, South Africa, that supports Khoisan indigenous women and their families in different ways. The organization counsels and supports Khoisan women and their families in conflict, conducts women's traditional ceremonies acknowledging women and their role in their communities and supports a women's farming community in the Napier area that runs a cooperative with self-sustainable methods.

13. Elleyada is a non-profit ethnocultural organization in the Republic of Sakha (Yakutia), the Russian Federation. Its main goal is the restoration, preservation and promotion of the traditional culture of the indigenous peoples of Yakutia at the regional, national and international levels. The organization teaches indigenous youth about traditional beliefs and customs and holds meetings, ceremonies and traditional sporting events.

14. The Tomwo Integrated Pastoralist Development Initiatives is a human rights and advocacy organization operating in West Pokot County, Kenya. It has advocated on constitutional reforms, natural resources projects and pastoralist rights and has carried out training and capacity-building projects, including those that involve health and culture.

15. The National Indian Youth Council is an organization based in Albuquerque, New Mexico, the United States. Its mission is to improve the economic, educational and social welfare of American Indians in the United States. The Council is a member of the New Mexico Coalition to Stop Violence Against Native Women. The coalition, one of 18 tribal coalitions in the country, provides support to indigenous advocates working to address domestic violence, sexual assault, dating violence, stalking and sex trafficking in the tribal communities of New Mexico. In July 2016, the Council hosted a youth conference, entitled "Building leaders to empower and inspire", that focused on homelessness, suicide prevention, sexuality, balancing life demands/stress, financial literacy, cultural and language preservation, civic engagement/voting, job readiness and education and more.

B. World Conference on Indigenous Peoples

16. In its report, the Office of Hawaiian Affairs describes its involvement in legislative, policy and/or administrative measures taken by the Government of the United States to implement the principles and aspirations of the Declaration. In 2010, it urged the Government to support the Declaration. In this regard, the Office provided constructive suggestions for a legislative bill that was signed into law as Act 195.[6] The Act explicitly recognizes article 3 of the Declaration and the Native Hawaiian peoples as indigenous people of Hawaii. In October 2016, the United States Department of the Interior published its final rule that provides procedures for re-establishing a government-to-government relationship between the United States and the Native Hawaiian community.

17. The Asia Indigenous Peoples Pact mentions that one of its member organizations, Zo Indigenous Forum, in India, has been involved with the Mizoram Legislative Assembly resolution that supports the Declaration.[7] The resolution passed on 8 October 2016.

18. The Pact also points out that it is working very closely with the International Labour Organization on a collaborative initiative, the Indigenous Navigator,[8] which provides a framework and a set of tools for indigenous peoples to systematically monitor the level of recognition and implementation of their rights. The Indigenous Navigator monitors (a) the implementation of the Declaration; (b) the outcome document of the World Conference on Indigenous Peoples; and (c) essential aspects of the Sustainable Development Goals. The Pact has integrated the Indigenous Navigator at the regional level in Asia in its programmes and projects to collect data through its members and partner organizations at the community and national levels. However, there has not been any engagement with national statistical offices.

19. The Union des peuples autochtones pour le réveil au développement reports that the Government of Burundi has recognized six organizations that work to improve the situation of the Batwa. The Union has created a centre for Batwa students in Bujumbura, where many young people from throughout the country exchange views on safeguarding their culture. When they return to their families, they make their parents aware of the importance of safeguarding their traditional knowledge.

20. In New Caledonia, the Sénat coutumier reports that a Kanak people's charter on the system of values and fundamental principles of indigenous customs was submitted to and approved by 360 chieftains and districts, with 90 per cent of chiefs voting to adopt it. The charter was then proclaimed and published in the *Official Journal* of New Caledonia in 2014. In 2016, the chieftaincies and the customary authorities, through the Sénat coutumier, called for the establishment of a Marshall Plan of Kanak identity to rectify the negative effects of globalization during the past 15 years, in particular the construction by multinational corporations of two new inland nickel plants and an offshore facility. The Fédération des organisations non gouvernementales en Kanaky reports that it has advocated before the Government of

[6] Act of 6 July 2011, No. 195, 2011 Sessions Laws of Hawaii, Law 646.

[7] Press release from Zo Indigenous Forum, available from http://zoindigenous.blogspot.com/2016.

[8] See www.indigenousnavigator.org.

France and the Congress of New Caledonia for a reduction in the pollution emitted by the nickel facilities.

21. The Indian Law Resource Center reports that, following the announcement, on 16 December 2010, by the President of the United States of America, Barack Obama, of the support of the United States for the Declaration, tribes and individuals have, among other means, used the Declaration to negotiate a cultural easement, protect sacred places and remains, combat violence against Native American and Alaska Native women, and educate and lobby Congress, and as a human rights standard by which tribal nations are holding themselves accountable. A number of federal agencies and departments have included the Declaration in their policies relating to tribal governments and indigenous peoples. In 2013, the Advisory Council on Historic Preservation became the first federal agency to issue a plan to support the Declaration. Other federal agencies have been determining how to better incorporate the standards of the Declaration into their work. The Attorney General's "Guidelines stating principles for working with federally recognized tribes", issued by the Department of Justice in 2014, include a commitment to promoting and pursuing the objectives of the Declaration. In the Environmental Protection Agency's "Policy on environmental justice for working with federally recognized tribes and indigenous peoples", the Agency recognizes the importance of the Declaration and the principles that are consistent with the mission and authorities of the Agency. In 2016, the federal Fish and Wildlife Service released its updated Native American policy, which provides a framework for government-to-government relationships, "adopted in the spirit of the United Nations Declaration on the Rights of Indigenous Peoples".

22. Khoe-San Indigenous Women in Action considers that the Government of South Africa has promoted and protected the Khoisan rights to their traditional knowledge associated with particular indigenous biological resources. The organization reports that the Government of South Africa has started a land reform process that includes the Khoisan and that it is engaging the Khoisan more than it previously had. However, legislation formally recognizing the Khoisan and their institutions as a cultural community has still not been enacted, which is a key remaining obstacle.

23. Elleyada reports that although the Russian Federation did not vote in favour of the Declaration, in the Republic of Sakha (Yakutia), several laws have been adopted in order to protect the rights of indigenous peoples, including those on the legal status of indigenous peoples, ancestral lands and traditional economic activities, nomadic tribal communities and reindeer herding.

C. 2030 Agenda for Sustainable Development

24. The Asia Indigenous Peoples Pact is engaged with the efforts of civil society to monitor the implementation of the 2030 Agenda. The Pact highlights that Goal 2 of the Agenda (zero hunger) is its priority, considering that land rights intersect with the right to food and to livelihood. The Pact has also been engaged in advocating for the rights of indigenous peoples in the implementation of the overall 2030 Agenda at the regional and international levels, including their participation through the

indigenous peoples' major group.[9] Another example of the work of the Pact on the implementation of Goal 2 is the publication of *Indigenous Peoples' Initiatives for Land Rights Recognition in Asia*,[10] which provides a range of initiatives and strategies undertaken by indigenous peoples in Asia in asserting their land rights.

25. The Office of Hawaiian Affairs indicates that Goal 6 (clean water and sanitation), Goal 14 (life below water) and Goal 15 (life on land) are important priorities for implementation at the community and regional levels. In this regard, the Compliance Enforcement Program of the Office provides legal and policy compliance review, assessment and corrective action services to take proactive steps when organizations interpret or implement laws in ways that may be detrimental to their community or not in its best interest. The organization also notes that it prepares reports and conducts surveys to help guide strategic direction and policy decisions focused on indigenous Hawaiians.

26. In Guatemala, the National Indigenous Observatory has been working with the United Nations Volunteers programme and the National Network of Mayan Youth Organizations to identify priorities for indigenous peoples in the 2030 Agenda for Sustainable Development. Through this process, the groups have identified as priorities Goal 1 (no poverty), Goal 4 (quality education), Goal 5 (gender equality) and Goal 10 (reduced inequalities). Their work promoting utz k'aslemal-buen vivir (living well) also contributes to Goal 12 (Responsible consumption and production), Goal 13 (climate action), Goal 15 and Goal 16 (peace, justice and strong institutions).

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[9] Indigenous peoples' major group, "Position paper on proposed SDG indicators", available from www.iwgia.org/publications.

[10] Available from http://aippnet.org.